

REMARKS

In response to the Final Office Action mailed June 2, 2009, Applicants request reconsideration and withdrawal of the rejection based on the foregoing. Applicant respectfully disagrees with the Examiner's rejection but has made a number of claim amendments and cancellations to further focus the prosecution and further the application. Applicant reserves the right to pursue any cancelled subject matter in a continuation or other related application. After the amendments and cancellations, claims 4-6, 14-18, and 29 remain in the application. No new matter has been added by these amendments. Applicants incorporate the remarks of the previous responses herein. For at least those reasons and the reasons discussed below, the claims are in condition for allowance.

Claim 29 is rejected under 35 USC § 102 as being anticipated by Kivelä et al (US 6,272,359) (hereinafter Kivela). All the features of claim 29, as amended, are not described or suggested by Kivela. Applicants respectfully traverse these rejections.

For example, claim 29 recites, "whereby each component in the modular personal network of a user performs one or more actions in response to another component in the modular personal network being removed from the network wherein that action adapts the one or more remaining component to operate with other and continue to generate an output." There is no such feature described in Kivela. Kivela describes peripherals that are passive in that they can bind to a controller when they are in range of the controller and have received a device password of the controller. In Kivela, there is no discussion of an action that occurs when one peripheral or controller is removed nor is there a discussion of the action adapting the peripheral or controller to the removal. Silence on the subject in the disclosure of Kivela is not enough. If the Examiner alleges inherency, it has to be the case that the technology could only have been implemented in one way for such an argument to be available.

Further by way of example, claim 29 recites, "wherein each jewelry individual network component is configured to store that component's device identification used in the network protocol and the modular personal network in addressing other components during network communications and network identification information identifying a current modular personal network in which the components are operating. No such feature is disclosed or suggested in Kivela. Kivela describes a system in which the controller has a password that when received by a peripheral is checked to see if the password of the controller is locally stored. If it is a match,


the peripheral locks its receiver to the frequency on which the password was received. There is not discussion of each peripheral or controller having its own device identification, no discussion of the device identification being for wireless communication between devices in the network, and no discussion of a network identifier and device identifications. No such disclosure is provided and silence is not a disclosure.

Claims 4-6 and 14-18 have been amended to depend from claim 29. All the features of those claims are not described or suggested by Kivela at least due to their dependence from claim 29.

In view of the above remarks, the applicants respectfully request withdrawal of the 35 U.S.C. 102 and 103 rejections. The application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree or have any questions, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

May 3, 2010
Date


Pejman Sharifi (Reg. No. 45,097)

WINSTON & STRAWN LLP
Customer No. 28765

(212) 294-2603